MONTANA LEGISLATIVE HISTORY

Chapter 506 19 91

Bill H 882 S _____ Original bill & history ✓ C

H. Committee on Labor & Empl.		S. Committee on Labor & Emp.	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
2/21	✓C	3/21	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 2/22	✓C	3/21	✓

Did this bill originate in an interim committee? ___Yes X No

Committee _____ Report _____

Chapter Page

506 *(House Bill No. 882; Russell)* AN ACT TO REQUIRE THAT A STATE AGENCY THAT OPERATES WITHIN OR CONTRACTS FOR A STATE CONSTRUCTION PROJECT WITHIN AN INDIAN RESERVATION GIVE A PREFERENCE IN HIRING TO QUALIFIED INDIAN RESIDENTS OF THE RESERVATION; AMENDING SECTIONS 49-2-303, 49-2-403, AND 49-3-103, MCA; AND PROVIDING AN APPLICABILITY DATE. 1616

507 *(House Bill No. 888; L. Nelson)* AN ACT REVISING THE MONTANA WHEAT AND BARLEY COMMITTEE; EXPANDING THE GROUPS THAT MAY NOMINATE MEMBERS FOR APPOINTMENT TO THE COMMITTEE; REVISING THE TIME PERIOD IN WHICH NAMES OF NOMINEES MUST BE SUBMITTED; DELETING THE PROVISION THAT THE REPRESENTATIVE OF THE GRAIN TRADE ON THE COMMITTEE SERVES AT THE PLEASURE OF THE COMMITTEE; EXEMPTING THE EXECUTIVE DIRECTOR OF THE COMMITTEE FROM THE STATE EMPLOYEE CLASSIFICATION PLAN; ALLOWING THE COMMITTEE TO CONTRACT WITH ALL THE UNITS OF THE MONTANA UNIVERSITY SYSTEM; AMENDING SECTIONS 2-15-3002, 2-18-103, 80-11-202, AND 80-11-205, MCA; AND PROVIDING AN EFFECTIVE DATE. 1620

508 *(House Bill No. 909; D. Brown)* AN ACT RELATING TO CERTIFICATION OF CHEMICAL DEPENDENCY COUNSELORS AND PERSONS PROVIDING COUNSELING FOR GAMBLING ADDICTIONS; ESTABLISHING REQUIREMENTS FOR CERTIFICATION OF CHEMICAL DEPENDENCY COUNSELORS; PROVIDING FOR SUSPENSION OR REVOCATION OF CERTIFICATION FOR VIOLATION OF PROFESSIONAL ETHICS STANDARDS; REQUIRING A STUDY OF THE MINIMUM REQUIREMENTS FOR CERTIFICATION OF PERSONS PROVIDING COUNSELING FOR GAMBLING ADDICTIONS; PROVIDING AN APPROPRIATION TO FUND THE STUDY; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY PROVISION. 1623

509 *(House Bill No. 924; Measure)* AN ACT REQUIRING THE DEPARTMENT OF COMMERCE TO ASSIST PERSONS REPRESENTING RECREATIONAL, TRANSPORTATION, AND UTILITY INTERESTS AND OTHER INTERESTED PERSONS, INCLUDING ADJACENT LANDOWNERS, IN ACQUIRING OWNERSHIP OR EASEMENT OF ABANDONED RAILBEDS; AND AMENDING SECTION 60-11-111, MCA. 1626

510 *(House Bill No. 948; R. Johnson)* AN ACT TO PROVIDE FOR THE CREATION OF A COUNTY INTERDISCIPLINARY CHILD INFORMATION TEAM TO FACILITATE THE SHARING OF INFORMATION BY PERSONS AND ENTITIES DEALING WITH ABUSED, NEGLECTED, DEPENDENT, AND DELINQUENT CHILDREN AND YOUTH IN NEED OF SUPERVISION; AMENDING SECTIONS 41-3-205, 41-5-602, AND 41-5-603, MCA; AND PROVIDING AN EFFECTIVE DATE. 1628

511 *(Senate Bill No. 56; Yellowtail)* AN ACT TO RESTRICT PLACEMENT OR EVALUATION OF PREDISPOSITIONAL YOUTH AT A STATE YOUTH CORRECTIONAL FACILITY; TO ELIMINATE THE REQUIREMENT THAT THE DEPARTMENT OF FAMILY SERVICES PROVIDE ADDITIONAL YOUTH EVALUATION PROGRAMS TO REPLACE SERVICES PERFORMED AT STATE INSTITUTIONS; TO CLARIFY THE RESPONSIBILITY OF COUNTIES TO PAY THE COST OF YOUTH EVALUATIONS ORDERED BY THE COURT; TO REQUIRE PARENTS WHO ARE FINANCIALLY ABLE TO CONTRIBUTE TO THE COST OF YOUTH EVALUATIONS; AMENDING SECTION 41-5-523, MCA; REPEALING SECTION 53-30-225, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE. 1632

512 *(Senate Bill No. 164; Harp)* AN ACT TO CREATE A DEPARTMENT OF TRANSPORTATION; TO ABOLISH THE DEPARTMENT OF HIGHWAYS AND TRANSFER ITS FUNCTIONS AND CERTAIN FUNCTIONS OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF TRANSPORTATION; TO GENERALLY REVISE THE LAWS TO CONFORM TO THE ABOLISHMENT OF THE DEPARTMENT OF HIGHWAYS AND TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF TRANSPORTATION; AMENDING SECTIONS 2-15-104, 2-15-1812, 2-15-2501, 2-15-2502, 15-1-701, AND 60-3-201, MCA; AND PROVIDING AN EFFECTIVE DATE. 1637

Chapter Page

513 *(Senate Bill No. 274; Tveit)* AN ACT ALLOCATING REVENUE FROM RAILROADS OWNED BY THE STATE OF MONTANA FOR THE IMPROVEMENT OF THOSE RAILROADS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY PROVISION. 1644

514 *(Senate Bill No. 284; Eck)* AN ACT TO ALLOW THE MONTANA CHILDREN'S TRUST FUND BOARD TO HIRE ITS OWN STAFF; AND AMENDING SECTION 2-15-2402, MCA. 1645

515 *(Senate Bill No. 314; Grosfield)* AN ACT TO GENERALLY REVISE AND CLARIFY THE WATER RESERVATION PROCESS; ALLOWING AVAILABLE WATER FROM A REVOKED OR MODIFIED RESERVATION TO BE APPROPRIATED; REQUIRING APPROVAL BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION OF CHANGES IN RESERVATIONS; ALLOWING TRANSFERS OF WATER RESERVATIONS AND ESTABLISHING CRITERIA FOR SUCH TRANSFERS; AMENDING SECTION 85-2-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY PROVISION. 1645

516 *(Senate Bill No. 363; Manning)* AN ACT REVISING THE LAW GOVERNING HORSERACING; EXPANDING THE TYPES OF SIMULCAST RACES THAT THE BOARD OF HORSERACING MAY APPROVE; AUTHORIZING LICENSEES TO WITHHOLD AN ADDITIONAL 1 PERCENT ON EXOTIC WAGERING; AMENDING SECTIONS 23-4-301 AND 23-4-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. 1650

517 *(Senate Bill No. 395; Pinsoneault)* AN ACT TO REVISE THE LAWS RELATED TO THE TRANSFER OF TERRITORY FROM ONE ELEMENTARY OR HIGH SCHOOL DISTRICT TO ANOTHER; AMENDING SECTIONS 20-6-213 AND 20-6-320, MCA; AND PROVIDING AN EFFECTIVE DATE. 1652

518 *(Senate Bill No. 19; Jergeson)* AN ACT TO REQUIRE THAT CONTRACTS FOR AGRICULTURAL COMMODITIES SOLD BY CREDIT SALE CONTRACT CONTAIN A NOTICE OF FINANCIAL RISK IN A FORM ESTABLISHED BY DEPARTMENT OF AGRICULTURE RULE; AMENDING SECTION 80-4-422, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE. ..... 165(

519 *(Senate Bill No. 49; Waterman)* AN ACT CREATING THE OFFENSE OF CRIMINAL SALE OF DANGEROUS DRUGS ON OR NEAR SCHOOL PROPERTY; PROVIDING PENALTIES; CREATING AN AFFIRMATIVE DEFENSE; AND AMENDING SECTIONS 46-18-231 AND 46-23-201, MCA. 165

520 *(Senate Bill No. 93; Gage)* AN ACT REVISING THE RESOURCE INDEMNITY TRUST TAX BY CHANGING THE RATE OF TAX ON COAL AND THE METHOD OF VALUING COAL; AMENDING SECTIONS 15-38-103 AND 15-38-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE. ..... 166(

521 *(Senate Bill No. 148; Svrcek)* AN ACT PROVIDING FOR CONFIDENTIALITY OF INFORMATION FROM A GASOLINE DISTRIBUTOR THAT IS IDENTIFIABLE AS PERTAINING TO AN INDIVIDUAL; AND AMENDING SECTIONS 15-70-205 AND 15-70-209, MCA. 166

2/15	REFERRED TO HUMAN SERVICES & AGING		
2/16	FIRST READING		
2/18	FISCAL NOTE REQUESTED		
2/22	HEARING		
2/23	FISCAL NOTE RECEIVED		
2/23	COMMITTEE REPORT—BILL PASSED		
2/23	PLACED ON CONSENT CALENDAR		
2/25	FISCAL NOTE PRINTED		
2/26	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/20	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	47	0
3/25	3RD READING CONCURRED	45	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/01	SIGNED BY SPEAKER		
4/01	SIGNED BY PRESIDENT		
4/01	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 377	EFFECTIVE DATE: 4/06/91	

HB 882 INTRODUCED BY RUSSELL, ET AL.
INDIAN EMPLOYMENT PREFERENCE FOR STATE AGENCIES AND PROJECTS ON RESERVATION

2/15	INTRODUCED		
2/15	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/16	FIRST READING		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED		
2/25	2ND READING PASSED	70	27
2/26	3RD READING PASSED	64	35
	TRANSMITTED TO SENATE		
2/26	FIRST READING		
2/26	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/21	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	27	19
4/01	TAKEN FROM 3RD READING AND PLACED ON 2ND READING		
4/04	2ND READING CONCURRED	34	12
4/05	3RD READING CONCURRED	38	12
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	77	16
4/11	3RD READING AMENDMENTS CONCURRED	70	27
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 506	EFFECTIVE DATE: 10/01/91	

HB 883 INTRODUCED BY R. DEBRUYCKER, ET AL.
REVISE TAX LIEN ON REAL PROPERTY FOR TAXES OWED ON PERSONAL PROPERTY

2/15	INTRODUCED		
2/15	REFERRED TO TAXATION		
2/16	FIRST READING		
3/13	HEARING		
3/13	COMMITTEE REPORT—BILL PASSED		
3/16	2ND READING PASSED	84	4

3/19	3RD READING PASSED	94	4
	TRANSMITTED TO SENATE		
3/20	FIRST READING		
3/20	REFERRED TO TAXATION		
3/28	HEARING		
4/04	COMMITTEE REPORT—BILL CONCURRED		
4/15	2ND READING CONCURRED	48	0
4/16	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE		
4/20	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/20	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 611	EFFECTIVE DATE: 10/01/91	

HB 884 INTRODUCED BY S. RICE, ET AL.
PROPERTY TAX CREDIT FOR TAX INCREASE FROM SALES ASSESSMENT RATIO AJUSTMENT

2/15	INTRODUCED		
2/15	REFERRED TO TAXATION		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/21	FISCAL NOTE RECEIVED		
2/23	FISCAL NOTE PRINTED		
3/15	HEARING		
	DIED IN COMMITTEE		

HB 885 INTRODUCED BY NISBET, ET AL.
REPEAL SALES ASSESSMENT RATIO LAW

2/15	INTRODUCED		
2/15	REFERRED TO TAXATION		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/20	FISCAL NOTE RECEIVED		
2/22	FISCAL NOTE PRINTED		
3/15	HEARING		
3/27	TABLED IN COMMITTEE		

HB 886 INTRODUCED BY LEE, ET AL.
AMEND HOMEOWNER LOW-INCOME EXEMPTION FOR AGED AND HEADS OF HOUSEHOLDS

2/15	INTRODUCED		
2/15	REFERRED TO TAXATION		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/23	FISCAL NOTE PRINTED		
2/23	FISCAL NOTE RECEIVED		
3/15	HEARING		
3/26	TABLED IN COMMITTEE		

HB 887 INTRODUCED BY WHALEN, ET AL.
SET LIMITS ON DISCOVERY IN CIVIL ACTIONS

2/15	INTRODUCED		
2/15	REFERRED TO JUDICIARY		
2/16	FIRST READING		
2/22	HEARING		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/26	2ND READING PASSED	52	48
2/27	3RD READING PASSED	53	47

HOUSE BILL NO. 882

INTRODUCED BY RUSSELL, GERVAIS, WHALEN, SQUIRES, DRISCOLL, YELLOWTAIL, KIMBERLEY

IN THE HOUSE

FEBRUARY 15, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
FEBRUARY 16, 1991	FIRST READING.
FEBRUARY 22, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 23, 1991	PRINTING REPORT.
FEBRUARY 25, 1991	SECOND READING, DO PASS.
FEBRUARY 26, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 64; NOES, 35.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 26, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
	FIRST READING.
MARCH 26, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1991	SECOND READING, CONCURRED IN.
APRIL 1, 1991	ON MOTION, TAKEN FROM THIRD READING AND PLACED ON SECOND READING THIS LEGISLATIVE DAY.
APRIL 2, 1991	ON MOTION, CONSIDERATION PASSED UNTIL THE 70TH LEGISLATIVE DAY.
APRIL 3, 1991	ON MOTION, CONSIDERATION PASSED UNTIL THE 71ST LEGISLATIVE DAY.
APRIL 4, 1991	SECOND READING, CONCURRED IN.

APRIL 5, 1991	THIRD READING, CONCURRED IN. AYES, 38; NOES, 12.
	RETURNED TO HOUSE WITH AMENDMENTS.
IN THE HOUSE	
APRIL 10, 1991	RECEIVED FROM SENATE.
	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 11, 1991	THIRD READING, AMENDMENTS CONCURRED IN.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

House BILL NO. 882

INTRODUCED BY Russell Fagg Whaley Grimes
Daniel McGowan Tom Facey

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A STATE AGENCY THAT OPERATES WITHIN OR CONTRACTS FOR A STATE CONSTRUCTION PROJECT WITHIN AN INDIAN RESERVATION GIVE A PREFERENCE IN HIRING TO QUALIFIED INDIAN RESIDENTS OF THE RESERVATION; AMENDING SECTION 49-3-103, MCA; AND PROVIDING AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [sections 1 and 2] direct the commissioner of labor and industry to adopt rules to implement [sections 1 and 2]. It is the intent of the legislature that the rules also be designed to assist the commissioner of labor and industry to enforce the provisions of [sections 1 and 2] and to investigate complaints of any violations of law, as provided in [sections 1 and 2].

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Hiring preference for residents of Indian reservations for state jobs within reservation.** (1) A state agency that operates within an Indian reservation shall give a preference in hiring for a position of employment with the state agency to an Indian resident of the reservation who has substantially equal qualifications for the position.

(2) The commissioner of labor and industry shall enforce this section, investigate complaints of its violation, and may adopt rules to implement this section.

(3) For the purposes of this section, the following definitions apply:

(a) "Indian" means a person who is enrolled or who is a lineal descendant of a person enrolled upon an enrollment listing of the bureau of Indian affairs or upon the enrollment listing of a recognized Indian tribe, domiciled in the United States.

(b) "Position" means a permanent, temporary, or seasonal position as defined in 2-18-101 for a state position. The term does not include:

(i) a state elected office;

(ii) appointment by an elected official to a body, such as a board, commission, committee, or council;

(iii) appointment by an elected official to a public office if the appointment is provided for by law; or

(iv) engagement as an independent contractor or employment by an independent contractor.

(c) "State agency" means a department, office, board, bureau, commission, agency, or other instrumentality of the

executive or judicial branches of the government of this state.

NEW SECTION. **Section 2.** **Hiring preference for residents of Indian reservations for state construction projects within reservation.** (1) For any contract awarded for a state construction project by a state agency, except a project partially funded with federal-aid money from the United States department of transportation or when residency preference laws are specifically prohibited by federal law, there must be inserted in the bid specification and the contract a provision, in language approved by the commissioner of labor and industry, implementing the requirements of this subsection. The bid specification and the contract must provide that a preference in hiring for positions of employment be given to Indian residents of the reservation who have substantially equal qualifications for any position. For the purposes of this section, the definitions in [section 1] apply.

(2) The commissioner of labor and industry shall enforce this section, investigate complaints of its violation, and may adopt rules to implement this section.

Section 3. Section 49-3-103, MCA, is amended to read:

"**49-3-103. (Temporary) Permitted distinctions.** (1) Nothing in this chapter prohibits any public or private employer:

(a) from enforcing a differentiation based on marital status, age, or physical or mental handicap when based on a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors other than age;

(b) from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this chapter, except that an employee benefit plan may not excuse the failure to hire any individual; or

(c) from discharging or otherwise disciplining an individual for good cause.

(2) The application of an employment preference as provided for in Title 39, chapter 29 or 30, and 10-2-402 by a public employer as defined in 39-29-101 and 39-30-103 may not be construed to constitute a violation of this chapter. (Terminates July 1, 1991--sec. 19, Ch. 646, L. 1989.)

49-3-103. (Effective July 1, 1991) Permitted distinctions. (1) Nothing in this chapter shall prohibit any public or private employer:

(a) from enforcing a differentiation based on marital status, age, or physical or mental handicap when based on a bona fide occupational qualification reasonably necessary to

the normal operation of the particular business or where the differentiation is based on reasonable factors other than age;

(b) from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this chapter, except that no such employee benefit plan shall excuse the failure to hire any individual; or

(c) from discharging or otherwise disciplining an individual for good cause.

(2) The application of an employment preference as provided for in Title 39, chapter 30, [sections 1 and 2], and 10-2-402 by a public employer as defined in 39-30-103 may not be construed to constitute a violation of this chapter."

NEW SECTION. **Section 4.** **Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 18, and the provisions of Title 2, chapter 18, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 18, chapter 1, and the provisions of Title 18, chapter 1, apply to [section 2].

NEW SECTION. **Section 5.** **Applicability.** [This act] applies to hiring for vacancies in state agency or state

construction project positions within an Indian reservation that occur after [the effective date of this act].

-End-

February 15, 1991

The Honorable Joseph P. Mazurek
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Mazurek and Speaker Harper:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 3, "AN ACT ~~REMOVING~~ EXTENDING THE SUNSET PROVISIONS ~~MAKING~~ OF THE AGRICULTURAL ASSISTANCE PROGRAM ~~TEMPORARY~~; AMENDING SECTION 8, CHAPTER 269, LAWS OF 1989; ~~REPEALING SECTION 5, CHAPTER 269, LAWS OF 1989;~~ AND PROVIDING AN EFFECTIVE DATE." This amendatory veto is made for the following reasons.

Under Section 8, Chapter 269, Laws of 1989, the Agricultural Assistance Program will terminate on July 1, 1991. Senate Bill 3, which extends this termination date would, as adopted, also take effect on July 1, 1991. As a legal matter it is unclear whether the existing termination of the program or Senate Bill 3 would take effect first on July 1, 1991. However, if the existing termination were to take effect first, Senate Bill 3 could be nullified.

My amendments would avoid this possibility by making Senate Bill 3 effective on passage and approval. The bill's sponsor, Senator Dennis Nathe, and the Legislative Council concur with this amendment. I urge your concurrence as well.

I am also concerned about the lack of appropriations for this legislation. To date, the legislature has not appropriated approximately $130,000 of general fund monies necessary for the operation of the program. This appropriation was not included in the Executive Budget because the program was to sunset July 1, 1991. Collection of fees for services provided by the program, which is projected at $50,000 is, according to the Department of Agriculture, tenuous at best.

I call this shortcoming to your attention.

Sincerely,

STAN STEPHENS
Governor

GOVERNOR'S AMENDMENTS TO
SENATE BILL 3
(Reference Copy As Amended)
February 15, 1991

1. Title, line 9.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 1, line 22.
Following: "effective"
Strike: "July 1, 1991"
Insert: "on passage and approval"

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

HB 878, introduced by O'Keefe, Bianchi, Benedict, Dolezal, Southworth, Peck, Waterman, Harper, Thomas, Wanzenried, Driscoll, Foster, Whalen, referred to Committee on Taxation
HB 879, introduced by Harrington, Pavlovich, Manning, Pipinich, Quilici, McCarthy, Daily, D. Brown, referred to Committee on Appropriations
HB 880, introduced by Ellis, Zook, G. Beck, referred to Committee on Natural Resources
HB 881, introduced by R. Johnson, Jacobson (by request of the Department of Health and Environmental Sciences), referred to Committee on Human Services and Aging
HB 882, introduced by Russell, Gervais, Whalen, Squires, Driscoll, Yellowtail, Kimberley, referred to Committee on Labor and Employment Relations
HB 883, introduced by R. DeBruycker, Bergsagel, Spring, Zook, M. Hanson, L. Nelson, Steppler, R. Johnson, Hockett, Peck, Bachini, Nathe, Harding, Devlin, referred to Committee on Taxation
HB 884, introduced by Nisbet, Connelly, Galvin, Wyatt, S. Rice, Dolezal, Strizich, Manning, Doherty, Franklin, Phillips, Thayer, Messmore, referred to Committee on Taxation
HB 885, introduced by Nisbet, Connelly, Galvin, Wyatt, S. Rice, Dolezal, Strizich, Manning, Doherty, Franklin, Phillips, Thayer, Messmore, referred to Committee on Taxation
HB 886, introduced by Lee, B. Brown, Messmore, Whalen, Dolezal, Boharski, O'Keefe, Fagg, R. Johnson, Driscoll, Squires, Pavlovich, G. Beck, M. Hanson, Southworth, Van Valkenburg, Thomas, Benedict, D. Brown, Kasten, Cocchiarella, Hoffman, Simpkins, Clark, Keller, Stickney, Cobb, Darko, J. Rice, Becker, Wyatt, R. Johnson, Hayne, Barnett, Gilbert, Peterson, Foster, Harper, Cody, Gould, T. Nelson, R. DeBruycker, Mercer, Nisbet, Steppler, Menahan, Scott, referred to Committee on Taxation
HB 887, introduced by Whalen, Toole, referred to Committee on Judiciary
HB 888, introduced by L. Nelson, Nathe, referred to Committee on Agriculture, Livestock, and Irrigation

These women paid a significant price to bail out the UI Trust Fund in 1985.

HEARING ON HB 882

Presentation and Opening Statement by Sponsor:

REP. ANGELA RUSSELL, House District 99, Big Horn County and Crow Reservation, said HB 882 is act to require that a state agency that operates within or contracts for a state construction project within an Indian reservation give a preference in hiring to qualified Indian residents of the reservation. There are high unemployment rates on Indian reservations. There is seasonal work, but during winter months employment is scarce. The major employers on most of the reservations are the federal government, the tribal government, and schools. If Indians within the reservations are given preference, there are six state parks within the exterior boundaries of the reservations with positions they may be eligible for. There are other seasonal positions, such as brand inspectors. HB 366 provides about 13.9 FTEs (Full Time Employees) for the Department of Family Services for child abuse and neglect on Indian reservations. Those positions might be available to people who live on the reservation. If a person living on the reservation is qualified, he should get a preference if it is a state position.

Proponents' Testimony:

Gene Fenderson, President, Montana District Council of Laborers, said for numerous years the International Union, the District Council for the State of Montana, and the local unions have worked in a positive manner with the contractors to make sure the rights and privileges of the Indian people are upheld when work is done on the Indian reservations. It is contained in all of the labor agreements. This bill is in companionship with the labor agreements.

James Baker, Montana United Indian Association, presented written testimony. **EXHIBIT 14**

Tootie Welker, Montana Alliance for Progressive Policy, stated her support of HB 882.

James Beck, Department of Highways, said he wasn't a proponent or an opponent. The Department of Highways operates maintenance sections throughout the state. Some sections have section houses off the reservation, and the road that is maintained extends into the reservation. It is not known if positions in that particular maintenance section would be affected. The Department of Highways operates scale houses located on Indian reservations, however, most of the workers who occupy those scale houses are roving from roads on and off the reservation. He supports the concept of the bill but would like clarification on the particular positions affected.

Gary Foster, Employment and Training Counselor, Helena Indian Alliance, said on an Indian reservation, there are cultural differences and different social amenities that people take for granted in this society in regard to the affability, gregariousness, looking someone directly in the eye, or not taking a few minutes to get acquainted. This causes a tremendous credibility gap with the state agencies. It is difficult for representatives of state agencies to have doors immediately opened for them until the Indian people get to know them.

Opponents' Testimony: None

Questions From Committee Members:

REP. THOMAS asked **REP. RUSSELL** if she would consider an amendment that anybody receiving the preference would have to show that they have paid state taxes, such as unemployment, income, or property taxes. **REP. RUSSELL** said she didn't have a problem with that. If individuals are employed, they pay those particular taxes.

REP. DRISCOLL asked **REP. RUSSELL** why are the Native Americans not covered by the Federal Civil Rights Act. On federal highway construction the reservations are covered; doesn't that apply to states? **REP. RUSSELL** said there are reservations in Montana which are probably more assertive in making sure that their people are covered by those laws. Other reservations may not be quite as aggressive. It varies from area to area.

REP. DOLEZAL asked **REP. RUSSELL** if Rep. Thomas's amendment would have any limit on the preference. Are there people who would not meet the requirement of paying state taxes, etc.? **REP. RUSSELL** said the individuals who do not pay state income taxes are those usually hired by the tribe, because the tribe is exempt from paying state taxes. **REP. DOLEZAL** asked if the amendment would limit the preference. **REP. RUSSELL** deferred the question to legal counsel. If too much structure is added to the bill the whole purpose will be defeated. In that case, the bill should be killed.

REP. WANZENRIED said Mr. Beck indicated that it was unclear in the bill what positions would be covered. Page 3 states except projects partially funded with federal-aid money from the United States Department of Transportation. He asked **Mr. Beck** what further guidance was needed. **Mr. Beck** said the bill has two parts. One is preference of employment for state positions. Section 3 exempts certain state highway contracts from preference in employment which has nothing to do with "in-house" employment.

Closing by Sponsor:

REP. RUSSELL said the unemployment rate for Indian people is unacceptable. In the winter there is 80-90 percent unemployment. The state needs to work with tribes to make some differences.

People are really looking for work, whether it is to clean yards or shovel snow in the winter. It is a desperate situation. She read an article from the Missoulian of February 20. American Indians are severely undercounted in unemployment figures because they give up and drop out of the workforce, according to the authors of a report on Indian unemployment in Denver. American Indian unemployment in some areas is 20 times higher than the Labor Department figures which don't include discouraged workers. The "undercounts" result in less funding for government programs which attempt to alleviate high rates of unemployment. The findings reflect a racist attitude toward Indians by government officials and corporations through hiring practices.

HEARING ON HB 339

Presentation and Opening Statement by Sponsor:

REP. BOB THOFT, House District 63, Stevensville, said HB 339 removes the $25,000 limit on construction projects that can be done with prison labor. Prison labor could be used to save money, and it gives prison inmates the opportunity to learn a trade and stay out of trouble when they get out of prison. He presented amendments to reassure that prison labor won't be used anywhere in the state. **EXHIBIT 15.** Prison labor has been used in Montana to build prison projects. The fiscal note shows $2 million will be saved. By the time the $2 million has been paid and since it is bonding money, there will be at least a $4 million savings. There are 14 states that use prison labor.

Proponents' Testimony:

Curt Chisholm, Director, Department of Institutions, said the use of inmate labor for construction projects has been a tradition in Montana for many years. In the 1989 session, authorization was received to build the security housing unit with inmate labor. It is the opportunity to employ an already overcrowded prison of about 1,130 inmates at Montana State Prison. They learn the meaning of getting up and going work under supervision and do good work in the construction industry. There is no pretense to having those people come out as skilled laborers. Many of them are already skilled workers. This does save the state substantial amounts of money. There is an expansion program proposed before the Long Range Building Committee to build $20 million worth of desperately needed expansion to Montana State Prison in Deer Lodge. HB 339 is asking the permission from the Legislature to construct about $1.6 million of that. The amendments clearly limit the use of inmate labor to only those projects that relate to correctional construction within correctional campuses, correctional facilities, and only for those projects specifically approved by each session of the Legislature. It incorporates permanent statutory exemptions from bidding, bonding, and Workers' Compensation coverage.

HOUSE OF REPRESENTATIVES

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

ROLL CALL DATE 2/21/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JERRY DRISCOLL	✓		
REP. MARK O'KEEFE	✓		
REP. GARY BECK	✓		
REP. STEVE BENEDICT	✓		
REP. VICKI COCCHIARELLA	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAVID HOFFMAN	✓		
REP. ROYAL JOHNSON	✓		
REP. THOMAS LEE	✓		
REP. BOB PAVLOVICH	✓		
REP. JIM SOUTHWORTH	✓		
REP. FRED THOMAS	✓		
REP. DAVE WANZENRIED	✓		
REP. TIM WHALEN	✓		
REP. TOM KILPATRICK, V.-CHAIR	✓		
REP. CAROLYN SQUIRES, CHAIR	✓		

CS05COM.man

EXHIBIT 14
DATE 2/21/91
HB 882
1 of 3

WITNESS STATEMENT

NAME JAMES BAKER BILL NO. HB 882

ADDRESS 3103 B VIGILANTE DR. HELENA, MT. 59601

WHOM DO YOU REPRESENT? SELF

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: Statistical information evolving from each of Montana's Indian Reservation indicate high levels of chronic un-employment. Many of the male and female Native american unemployed have acquired skills obtained from past employment experience in location requiring college education, technical and labor oriented jobs, and a myriad of program management scenarios. There are skilled, qualified person of Native american descent who would meet employment qualifications for the majority of State of Montana agency position. A key component of this bill is the word QUALIFIED. Person are not asking to be hired just because they are Native american, but ask to be given a chance to compete for local employment because they are an equally QUALIFIED Native American.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

(1 of 2)

Ex. 14
2-21-91
HB 882

WITNESS STATEMENT

NAME JAMES BAKER BILL NO. HB 882 2 of 3

ADDRESS 3103 B VIGILANTE DR. HELENA, MT. 59601

WHOM DO YOU REPRESENT? SELF

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

Potential employee qualifications may be screened at the local level from reservation based tribal personnel offices, tribally controlled colleges and off-reservation employment and employee recruitment businesses owned by Native American with close business ties and working relationships with tribal government and other tribal entities, which allows close contact with tribal members.

Of interest to me personally, as a Native American enrolled in the Blackfeet Tribe is the enforcement and investigative verbage in H.B. 882. In 20 years of experience in working directly with the Montana Department of Labor and Industry Job Service offices let it be noted the Montana Job Service itself has been woefully remiss in the recruitment and

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

EXHIBIT 11
DATE 2/21/91
HB 882

3 of 3

WITNESS STATEMENT

NAME JAMES BAKER BILL NO. HB 882

ADDRESS 3103 B VIGILANTE DR. HELENA, MT 59601

WHOM DO YOU REPRESENT? SELF

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

promoting of Native americans qualified for management position in their offices across the state. Job Service offices located on or near Montana Indian reservation are devoid of Indian management. In fact, all ethnic minorities are conspicuous by their absence within the Montana Department of Labor and Industry.

Let them take the first good faith steps in enhancing this proposed legislation.

I respectfully urge this committee approval of HB 882 to allow qualified Native Americans a chance to compete for employment opportunities in their immediate local.

Thank you.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34A
Rev. 1985

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

LABOR & EMPLOYMENT RELATIONS **COMMITTEE** **BILL NO.** HB 882

DATE 2/21/91 **SPONSOR(S)** Rep. Angela Russell

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JIM BAKER 3103 B Vigilante Helena, MT 59601	SELF	X	
Dan Edwards	OCHW	X	
LARS ERICSON	MT ST. CARPENTERS	X	
DEWEY HALL	BRICKLAYERS	X	
[redacted]	[redacted]	X	
Angela Russell	HB 99	X	
Gary Foster		X	
Richard J. Little Bott		X	
[illegible]	MT St Bldg Trades	X	
Tootie Welker	MAPP	X	
[redacted]	[redacted]		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HB 882
2-22-91
DOR

HOUSE STANDING COMMITTEE REPORT

February 22, 1991

Mr. Speaker: We, the committee on Labor report that House Bill 882 (first reading copy -- white) do pass .

Signed: Carolyn Squires
Carolyn Squires, Chairman

HB 955 - Representative Harper moved HB 955 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Bradley, Brooke, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Fagg, Forrester, Foster, Galvin, Gervais, Gould, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 69

Noes: Benedict, Bergsagel, Boharski, D. Brown, Clark, R. DeBruycker, Ellis, Ellison, Feland, Gilbert, Grady, Grinde, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Lee, Messmore, L. Nelson, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Spring, Swysgood, Thoft, Thomas.
Total 30

Excused: H. S. Hanson.
Total 1

Absent or not voting: None.
Total 0

HB 797 - Representative Russell moved HB 797 do pass.

Representative Mercer made a substitute motion HB 797 do not pass. Motion passed as follows:

Ayes: Bachini, Barnett, Becker, Benedict, Bergsagel, Boharski, Clark, Cobb, Connelly, Cromley, Davis, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Larson, Lee, Madison, McCaffree, McCarthy, Mercer, Messmore, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Phillips, Quilici, J. Rice, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 53

Noes: Bardanouve, Barnhart, Beck, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Daily, Darko, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, McCulloch, Measure, Nisbet, O'Keefe, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 45

Voted Absentee: H. S. Hanson, Aye; S. J. Hansen, No.

Excused: None.
Total 0

Absent or not voting: J. DeBruycker, Menahan.
Total 2

HB 819 - Representative Russell moved HB 819 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Forrester, Foster, Galvin, Gervais, Gould, Grady, Grinde, S. J. Hansen, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Bergsagel, Boharski, Clark, R. DeBruycker, Feland, Gilbert, Spring.
Total 7

Voted Absentee: S. J. Hansen, Aye.

Excused: H. S. Hanson.
Total 1

Absent or not voting: Benedict, Peterson, Thomas.
Total 3

HB 882 - Representative Russell moved HB 882 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Forrester, Foster, Galvin, Gervais, Gould, Grady, S. J. Hansen, Harrington, Hoffman, J. Johnson, Kadas, Keller, Kilpatrick, Kimberley, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Messmore, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Barnett, Barnhart, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Fagg, Feland, Gilbert, Grinde, M. Hanson, Hayne, R. Johnson, Kasten, Knox, Lee, McCaffree, L. Nelson, Phillips, Simpkins, Spring, Swysgood, Thoft, Thomas, Wallin.
Total 27

Voted Absentee: S. J. Hansen, Aye.

Excused: H. S. Hanson.
Total 1

Absent or not voting: Mercer, Peterson.
Total 2

HB 346 - Representative Toole moved HB 346 do pass. Motion failed as follows:

Ayes: Barnhart, Becker, Brooke, D. Brown, Cocchiarella, Cohen, Connelly, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Galvin, Gervais, S. J. Hansen, Harrington, Kadas, Kimberley, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Schye, Southworth, Squires, Stang, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 43

Noes: Bachini, Bardanouve, Barnett, Beck, Benedict, Bergsagel, Boharski, Bradley, J. Brown, Clark, Cobb, Cody, Cromley, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kilpatrick, Knox, Lee, McCaffree, Mercer, Messmore, L. Nelson, T. Nelson, Peck, Peterson, Phillips, Russell, Scott, Simpkins, Spring, Steppler, Stickney, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 57

Voted Absentee: S. J. Hansen, Aye; H. S. Hanson, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 691 - Representative Toole moved HB 691 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cohen, Connelly, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Elliott, Fagg, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Lee, Madison, McCarthy, McCulloch, Measure, Menahan, Messmore, T. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Southworth, Squires, Stang, Stickney, Strizich, Toole, Tunby, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 58

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Cody, Cromley, J. DeBruycker, R. DeBruycker, Ellis, Ellison, Feland, Forrester, Foster, Gilbert, Gould, Grady, Grinde, M. Hanson, Hayne, Hoffman, R. Johnson,

Kasten, Keller, Knox, McCaffree, Mercer, L. Nelson, Peck, Peterson, Phillips, Scott, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Wallin, Zook.
Total 41

Voted Absentee: S. J. Hansen, Aye.

Excused: H. S. Hanson.
Total 1

Absent or not voting: None.
Total 0

HB 461 - Representative Whalen moved HB 461 do pass. Motion failed as follows:

Ayes: Barnhart, D. Brown, Cocchiarella, Cohen, Connelly, Daily, Darko, Dolezal, Dowell, Driscoll, Elliott, Forrester, Gervais, Grady, S. J. Hansen, Harrington, Kadas, Kilpatrick, Kimberley, Madison, McCarthy, McCulloch, Measure, Menahan, Nisbet, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 41

Noes: Bachini, Barnett, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, J. Brown, Clark, Cobb, Cody, Cromley, Davis, J. DeBruycker, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gilbert, Gould, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Lee, McCaffree, Mercer, Messmore, L. Nelson, T. Nelson, O'Keefe, Peck, Peterson, Phillips, Simpkins, Spring, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 57

Voted Absentee: S. J. Hansen, Aye; H. S. Hanson, No.

Excused: None.
Total 0

Absent or not voting: Bardanouve, Squires.
Total 2

HB 653 - Representative Whalen moved HB 653 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell,

HB 870 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: S. J. Hansen.
Total 1

Absent or not voting: None.
Total 0

HB 875 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Fagg, Forrester, Foster, Galvin, Gervais, Gould, Grady, H. S. Hanson, M. Hanson, Harrington, Hoffman, J. Johnson, R. Johnson, Kadas, Keller, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 79

Noes: Barnett, Benedict, Bergsagel, R. DeBruycker, Ellis, Ellison, Feland, Gilbert, Grinde, Hayne, Kasten, Knox, Lee, Peterson, Phillips, Spring, Swysgood, Thoft, Thomas, Wallin.
Total 20

Excused: S. J. Hansen.
Total 1

Absent or not voting: None.
Total 0

HB 881 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: S. J. Hansen.
Total 1

Absent or not voting: None.
Total 0

HB 882 passed as follows:

Ayes: Bachini, Bardanouve, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Forrester, Galvin, Gervais, Gould, Grady, Harrington, J. Johnson, R. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Messmore, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 64

Noes: Barnett, Barnhart, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Ellison, Fagg, Feland, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, Kasten, Keller, Knox, Lee, McCaffree, Mercer, L. Nelson, Peterson, Phillips, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin.
Total 35

Excused: S. J. Hansen.
Total 1

Absent or not voting: None.
Total 0

SB 448 passed by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Nays: Burnett, Rye.
Total 2

Absent or not voting: None.
Total 0

Excused: Manning.
Total 1

SB 449 passed by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Manning.
Total 1

SB 455 passed by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Manning.
Total 1

SB 456 passed by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Nays: Devlin, Swift.
Total 2

Absent or not voting: None.
Total 0

Excused: Manning.
Total 1

MOTIONS

SB 221 - Senator Tveit moved that he be allowed to change his vote on SB 221 the previous legislative day from nay to yea. Motion carried unanimously.

SB 31 - Senator Halligan moved that he be allowed to change his vote on SB 31 this legislative day from yea to nay. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Weeding, Chairman): 2/26/91

HB 82, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "SPECIAL MOBILE EQUIPMENT AND"

2. Page 1, line 25 through page 2, line 1.
Strike: ":" on page 1, line 25 through "61-3-434" on page 2, line 1

And, as amended, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

HB 825, introduced by D. Brown, Driscoll, Strizich, Clark, Jacobson, Lynch, Darko, Daily, Pavlovich, Menahan, Quilici, Ellison, Nathe, Thomas, Lee, R. Johnson, Hoffman, Gilbert, R. DeBruycker, Keller, J. Rice, Hayne, and Peterson, referred to Committee on Judiciary
HB 847, introduced by Lee, Koehnke, and Harper, referred to Committee on Judiciary
HB 848, introduced by Bardanouve (by request of the Department of Institutions), referred to Committee on State Administration
HB 854, introduced by Foster, T. Nelson, and Thomas, referred to Committee on Business and Industry
HB 858, introduced by Gilbert, Raney, Lee, J. Rice, Franklin, T. Beck, Vaughn, Doherty, and Harding, referred to Committee on Natural Resources
HB 860, introduced by Dowell, Schye, S. Rice, Lee, Measure, Boharski, Eck, Darko, Driscoll, Wanzenried, Toole, Russell, Hockett, Cohen, Forrester, Messmore, R. Johnson, Mercer, Kimberley, Bradley, Cocchiarella, G. Beck, Brooke, Gervais, Strizich, J. Brown, Raney, Elliott, O'Keefe, Spring, and Connelly, referred to Committee on Public Health
HB 863, introduced by D. Brown, Mazurek, Lynch, Thayer, Noble, Kennedy, Pavlovich, Daily, Fritz, Quilici, Whalen, Doherty, S. Rice, Phillips, Larson, and Measure, referred to Committee on Business and Industry
HB 867, introduced by Gilbert and Wanzenried, referred to Committee on Highways
HB 870, introduced by R. Johnson, referred to Committee on Public Health
HB 875, introduced by Whalen, McCarthy, O'Keefe, Ream, Pavlovich, G. Beck, Squires, Dolezal, Driscoll, Cocchiarella, Wanzenried, Southworth, and Kilpatrick, referred to Committee on Labor
HB 881, introduced by R. Johnson and Jacobson (by request of the Department of Health and Environmental Sciences), referred to Committee on Public Health
HB 882, introduced by Russell, Gervais, Whalen, Squires, Driscoll, Yellowtail, and Kimberley, referred to Committee on Labor
HB 893, introduced by Kasten, Tveit, Devlin, Spring, M. Hanson, Daily, Peck, Bergsagel, Zook, Grady, J. Johnson, Squires, Dolezal, J. Brown, Peterson, Feland, Koehnke, Simpkins, Fagg, R. DeBruycker, Davis, G. Beck, Hayne, Foster, Nathe, Gage, D. Brown, Harding, J. Rice, and Hoffman, referred to Committee on Agriculture
HB 899, introduced by Cocchiarella, referred to Committee on Highways
HB 902, introduced by Grady, Mazurek, Harper, Menahan, Grinde, Waterman, T. Beck, Anderson, Vaughn, and Hoffman, referred to Committee on State Administration
HB 908, introduced by Harper and Grady, referred to Committee on Natural Resources
HB 915, introduced by Cody, referred to Committee on Judiciary
HB 920, introduced by Darko and J. Brown (by request of the Department of Social and Rehabilitation Services), referred to Committee on Judiciary
HB 922, introduced by Darko and J. Brown (by request of the Department of Social and Rehabilitation Services), referred to Committee on Judiciary
HB 926, introduced by Hoffman (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources
HB 930, introduced by Whalen, Blaylock, Lynch, McCarthy, Menahan, Daily, Harrington, G. Beck, Jacobson, Cocchiarella, Kimberley, Pavlovich, and Bradley, referred to Committee on Public Health

HB 942, introduced by G. Beck, Whalen, Lee, Cromley, J. Rice, and Larson, referred to Committee on Judiciary
HB 943, introduced by Davis (by request of the Board of Sanitarians), referred to Committee on Public Health
HB 945, introduced by Bradley, Waterman, Cobb, Keating, Nathe, and J. Johnson (by request of the House Appropriations Subcommittee on Human Services and Aging), referred to Committee on State Administration

President Mazurek relinquished the Chair to President Pro Tempore Lynch.

SPECIAL ORDERS OF THE DAY

SR 5 - Senator Pinsoneault moved the following nomination transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with the resolution set forth below, with the yeas and nays spread upon the journal:

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATION AND APPOINTMENT OF HONORABLE JAMES E. PURCELL AS DISTRICT JUDGE, SECOND JUDICIAL DISTRICT, BUTTE, MONTANA, MADE BY THE GOVERNOR AND SUBMITTED TO THE SENATE PURSUANT TO SECTION 5-5-302, MCA.

WHEREAS, the Governor of the State of Montana has made the nomination, below designated, of an appointment that has been submitted to the Senate by the Governor, to wit:

As District Judge, Second Judicial District, Butte, Montana, to replace deceased District Judge Arnold H. Olsen, James E. Purcell.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the 52nd Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination.

BE IT FURTHER RESOLVED, that the Secretary of the Senate immediately deliver a copy of this resolution, certified by the President and Secretary, to the Secretary of State and a copy, certified by the Secretary, to the Governor pursuant to section 5-5-303, MCA.

SR 5 adopted as follows:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Thomas E. Towe, Vice Chair, on March 21, 1991, at 3:05 p.m.

ROLL CALL

Members Present:

Thomas Towe, Vice Chairman (D)
Gary Aklestad (R)
Chet Blaylock (D)
Gerry Devlin (R)
Steve Doherty (D)
Thomas Keating (R)
J.D. Lynch (D)
Dennis Nathe (R)
Bob Pipinich (D)

Members Excused: Richard Manning, Chairman (D)

Staff Present: Tom Gomez (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: NONE.

HEARING ON HOUSE BILL 882

Presentation and Opening Statement by Sponsor:

Representative Angela Russell told the Committee House Bill 882 is an act to require a state agency which operates within or contracts for a state construction project within an Indian reservation give a preference in hiring to qualified Indian residents of the reservation. She explained it was brought to her attention when openings come up within the Crow Reservation is Plenty Coups State Park no Indians have been employed. She explained there were other examples where state money was used. There are qualified individuals who do not have a chance to apply, or do not get selected if they do apply. The unemployment rates are extremely high on all reservations in Montana. The rates may be even higher as individuals quit looking for work. The major employer on reservations are the federal governments, the schools, and the tribes. She told the Committee House Bill 366, which she sponsors, would provide 15 to 16 FTEs for the Department of Family Services for child abuse and neglect. She

expressed her hope these positions would consider qualified Indian applicants. She explained the TERO programs, tribal employee rights programs which exist on most reservations in Montana. Not all reservations have TERO programs. House Bill 204 would strengthen tribal employment within each of the reservations.

Proponents' Testimony:

Denver Atkinson, Director for Tribal Employment Rights office in Poplar spoke in support of House Bill 204. He told the Committee when speaking to problems regarding state jobs during the past three years, with changes in administration in the highway department, there have been problems in making positive steps toward employment on reservations. He explained the state highway department needed a right-of-way to do road work on the reservation. In exchange for the right-of-way the tribe negotiated directly with the state to perform a percentage of the road work, such as providing the natural resources, i.e., gravel, water, dirt, etc. There was also negotiation for performing fencing, seeding and reclamation. He explained this was the first time a reservation has negotiated directly with the states to do a portion of the contracting work. He told the Committee there is a district office located in Wolf Point, Glasgow, and in Culbertson where there were 60 positions in those three. There were two American Indians. He explained one hurdle faced is the constant excuse there are not enough American Indian applicants. He commented the reason is partially due to the update of those applications every three months. There was a negotiation of the positions in those three district offices, the state highway department will employ 15% American Indians. In the eastern district the highway department has agreed to hire 10% American Indians in permanent full-time positions. Many are entry level positions. He explained a situation where new road work was done from Culbertson to 1,000 feet on the reservation; from the Canadian border to south of Scobey to 1 mile on the Fort Peck Reservation; from Glasgow to the reservation line in Nashua; north from Circle 8 miles of the project was completed. Mr. Atkinson attempted to negotiate. He told the Committee he was "told in a nice way to go to hell". He was told the project was off the reservation, it utilized unions, etc. He commented the reservation is at 65% unemployment with Montana's at 9%, and nationally at 11%.

Pat Smith representing the Confederated Salish Kootenai Tribes told the Committee the Flathead Tribes do not have a TERO Office. He explained for that reason the tribes would benefit from House Bill 882. He commented there is no ability to advocate for increased tribal employment on state projects. The unemployment percentages on Flathead reservations are 30%. Lake County statistics is at 10%.

Gene Fenderson representing the Laborers' International Union's Montana District Council of Laborers, as its president

and business manager, spoke in support of House Bill 882. He explained for many years in the labor agreements heavy highway construction and building construction negotiations have encouraged the hiring of minorities when working on and around reservations. He commented employers they deal with on a day to day basis used the unions as an excuse of why they could not hire minorities because they had to hire out of union hiring halls. He told the Committee this is untrue. The contractor can get minorities from the union or directly from the TERO offices.

Anne McIntyre, Administrator of the state Human Rights Commission told the Committee the Commission has not taken a position on the merits of House Bill 882. She presented the Committee with an amendment to House Bill 882 (Exhibit #1). She pointed to Section 3 on Page 3. The bill clarifies the provisions of Chapter 3 of Title 49 are coordinated with House Bill 882. She pointed out there is no provision to coordinate the meaning of House Bill 882 with Title 49 Chapter 2 (the Human Rights Act). She asked the bill be clear if someone grants a preference in accordance with HB 883 they are not in violation of the Human Rights Act.

Opponents' Testimony:

NONE.

Questions From Committee Members:

Senator Devlin asked Ms. McIntyre if she presented the amendments to the House. Ms. McIntyre told the Committee she did not. She was not following the bill.

Senator Devlin asked Representative Russell if she had seen the amendments proposed by Anne McIntyre. Representative Russell told the Committee the amendments were workable.

Senator Lynch commented he "wished this could have done without law". He asked Representative Russell if there could be a reversal. If there was a preference on the reservation jobs, everything off the reservation would not hire Indians. Representative Russell stated she did not know of a lot of Indian people getting jobs off reservations.

Senator Keating asked Laurie Ekanger about the "substantially equal" language. Ms. Ekanger, Administrator of the State Personnel Division told the Committee this language was in other preference laws. She explained a substantial difference in qualifications is looked for between the two top candidates. If there is not a substantial difference they are considered to be substantially equal.

Senator Towe asked Mr. Atkinson if he were concerned about preference outside the reservation or within. Mr. Atkinson

stated just within the reservation at this time.

Senator Towe asked if the TERO ordinance applied to any state contractor or state agency within the reservation. Mr. Atkinson stated it would.

Senator Towe asked Mr. Atkinson if the work could stopped until there was compliance. Mr. Atkinson said this was correct but he did not wish to hinder any work either.

Senator Towe asked Representative Russell if her intent was House Bill 882 only apply for work on the reservation. Representative Russell stated this was correct. She explained it is within the exterior boundary. She suggested an amendment may be needed.

Senator Blaylock asked Representative Russell if this could reverse. Representative Russell told the Committee state services are on reservations and so few people are hired. She stated some "small steps" need to be made. If an employer does not want an Indian person to be hired they can make barriers. She stated this was the case at Plenty Coup State Park. A teacher working there was leaving. He told white teachers the position was opening and not to tell the Indians.

Closing by Sponsor:

Representative Russell closed on House Bill 882. She explained the Indian jobless number is extremely high. She asked that the state some responsibility. A study done out of the University of Denver said American Indians are severely under-counted in unemployment figures because they give up and drop out. She told the Committee the study's findings indicate a racist attitude toward Indians by government officials through hiring practices. The study said "it is not an explicit racism, it's an unconscious racism. There is nothing in that is outright bigoted but it is protected by white prerogative".

EXECUTIVE ACTION ON HOUSE BILL 882

Amendments, Discussion, and Votes:

Senator Lynch moved to amend House Bill 882 on Page 3, Lines after the word "agency" insert "for work to be performed within the exterior boundaries of the reservation". He included the amendment offered by Anne McIntyre of the Human Rights Commission. Motion CARRIED with Senator Devlin and Senator Keating voting NO.

Senator Lynch moved House Bill 882 BE CONCURRED IN as amended.

Senator Keating told the Committee he did not agree with putting hiring preferences into the law. He commented he has

worked on all reservations in Montana and has been involved in operations which hire individuals on the reservation; and involved with TERO. He stated there are jobs available for those people who want to work. The problem is "people do not stay on the job". He told the Committee this would create problems for the highway department because the residents of the reservations will be able to insist there be a quota or set of hiring practices. He stated if there is the "slightest disagreement" people will file with the Human Rights Commission. He explained he sympathizes with the fact these people cannot get jobs sometimes, but does not feel it is all discrimination. He stated some of the reason jobs are not available to some people is because they are not qualified; or if qualified, they do not stay on the job.

Senator Lynch told the Committee he agreed with Senator Keating but "unfortunately the job isn't getting done".

Senator Towe commented 65% unemployment is high. He stated House Bill 882 is not going to do anything not already in place.

Senator Keating stated Senator Towe's remark implies the 65% unemployment rate is someone's fault. Senator Keating told the Committee he did want to interfere with private negotiations between people. He stated the "Indians are just as much a people in this state as anybody else. They have every right to negotiate and present themselves for hire at any time." Senator Keating stated he did not want to pass laws to require someone to be hired by someone else.

Recommendation and Vote:

Lynch motion House Bill 882 BE CONCURRED IN as amended CARRIED with Senator Devlin and Senator Keating voting NO. Senator Towe will carry House Bill 882 to the Senate floor.

HEARING ON HOUSE BILL 643

Presentation and Opening Statement by Sponsor:

Representative Carolyn Squires told the Committee House Bill 643 would provide protection for state employees whose positions eliminated as a result of privatization, reorganization or closure of a state agency. She explained HB 643 recognizes the importance of state employees skills and experience in providing services. Privatization jeopardizes the economic security and well-being of these valuable employees. Layoffs resulting from privatization of state services means the loss of experienced state workers. Layoffs can also be unexpectedly costly to the state. When workers are laid off because of privatization substantial costs are incurred. These include:

1) Loss of an asset. the state has a substantial investment in its employees. Their talents are necessary for the future economic development of our state. This cannot

ROLL CALL

SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

DATE 3/21/91

____ LEGISLATIVE SESSION ____

NAME	PRESENT	ABSENT	EXCUSED
SENATOR AKLESTAD	P		
SENATOR BLAYLOCK	P		
SENATOR DEVLIN	P		
SENATOR KEATING	P		
SENATOR LYNCH	P		
SENATOR MANNING			E
SENATOR NATHE	P		
SENATOR PIPINICH	P		
SENATOR TOWE	P		
Senator Doherty	P		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 882 (third reading copy -- blue), respectfully report that House Bill No. 882 be amended and as so amended be concurred in:

1. Title, line 8.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 49-2-303, 49-2-403, AND"

2. Page 3, line 5.
Following: "awarded"
Insert: "by a state agency"

3. Page 3, line 6.
Following: "project"
Strike: "by a state agency"
Insert: "within the exterior boundaries of an Indian reservation"

4. Page 3.
Following: line 21
Insert: "Section 3. Section 49-2-303, MCA, is amended to read:

"49-2-303. Discrimination in employment. (1) It is an unlawful discriminatory practice for:

(a) an employer to refuse employment to a person, to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, creed, religion, color, or national origin or because of his age, physical or mental handicap, marital status, or sex when the reasonable demands of the position do not require an age, physical or mental handicap, marital status, or sex distinction;

(b) a labor organization or joint labor management committee controlling apprenticeship to exclude or expel any person from its membership or from an apprenticeship or training program or to discriminate in any way against a member of or an applicant to the labor organization or an employer or employee because of race, creed, religion, color, or national origin or because of his age, physical or mental handicap, marital status, or sex when the reasonable demands of the program do not require an age, physical or mental handicap, marital status, or sex distinction;

(c) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication or to use an employment application which expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, marital status, age, physical or

mental handicap, race, creed, religion, color, or national origin or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(d) an employment agency to fail or refuse to refer for employment, to classify, or otherwise to discriminate against any individual because of sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin, unless based upon a bona fide occupational qualification.

(2) The exceptions permitted in subsection (1) based on bona fide occupational qualifications shall be strictly construed.

(3) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section

(4) The application of a hiring preference as provided for in [sections 1 and 2] may not be construed to be a violation of this section."

Section 4. Section 49-2-403, MCA, is amended to read:

"49-2-403. Specific limits on justification. (1) Except as permitted in 49-2-303(3) and (4) and 49-3-201(5), sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin may not comprise justification for discrimination ~~unless the nature of the service requires the discrimination~~ except for the legally demonstrable purpose of correcting a previous discriminatory practice.

(2) Age or mental handicap may represent a legitimate discriminatory criterion in credit transactions only as it relates to a person's capacity to make or be bound by contracts or other obligations.""

Renumber: subsequent sections

Signed: Thomas E. Towe

Thomas E. Towe, Vice-Chairman

LB 3/26/91
Amd. Cobrd.

SR 3/26 10:30
Sec. of Senate

CLERICAL

House Bill No. 862

Date: 3/28/91

Time: 4 pm

MER
(Legislative Council Staff)

☑ LABOR
S / H Standing Committee
Thomas E. Hoz
(Chairman)

☐ S / H Committee of the Whole

(Sponsor)

In accordance with the Rules of the Montana Legislature, the following clerical errors may be corrected:

Amendment #4, in (3)
keep period at end of (3) ("... section.")
add period in added (4) ("... section.")

An objection to these corrections may be registered by the Secretary of the Senate, the Chief Clerk of the House, or the sponsor by filing the objection in writing within 24 hours after receipt of this notice.

Amendments to House Bill No. 882
Third reading copy (blue)

Prepared by Anne L. MacIntyre
March 21, 1991

1. Page 1, line 8.
Following: "AMENDING"
Strike: "SECTION"
Insert: "Sections 49-2-303, 49-2-403 and"

2. Page 3.
Following: line 21
Insert: "Section 3. Section 49-2-303, MCA, is amended to read:
"49-2-303. Discrimination in employment.
[Subsections 1 -3 as in existing law].
(4) The application of an employment preference as provided for in [sections 1 and 2] may not be construed to constitute a violation of this section."
"Section 4. Section 49-2-403, MCA, is amended to read:
"49-2-403. Specific limits on justification. (1) Except as permitted in 49-2-303(3), 49-2-303(4), and 49-3-201(5), sex, marital status, age, physical or mental handicap, race, creed, religion, color, or national origin may not comprise justification for discrimination ~~unless the nature of the service requires the discrimination~~ except for the legally demonstrable purpose of correcting a previous discriminatory practice.
"[Subsection 2 as in existing law]."
Renumber: subsequent sections

SENATE LABOR & EMPLOYMENT
EXHIBIT NO. 1
DATE 3/21/91
BILL NO. HB882

DATE 3/21/91

COMMITTEE ON Senate Labor

HB 643 - 846 - 857 - 882

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Mark Langdorf	AFSCME	643 857 846 882	X	
Charles R. Brooks	MT Retail Association	846 857		X
Bob Heiser	UFCW	643, 846 857	X	
Fred Stout	MARS STOUT	857		
Mike Trevor	DOA/ISD	846/857		X
Debra Kuhn	DOA/GSD	846/857		X
Jim Stucky	IUOE Local #400	643 857 846 882	X	
Nick Rotering	Dept. of Highways	882		
Tom Schneider	MPEA	643 846 857	X	
Darrell Holzer	Mt. St. AFL-CIO	643, 846 857	X	
DAVID BROWN	First BK-Helena	HB 846		X
Denver Atkinson	Ft. Peck Tribes	HB 882	X	
Dan Edwards	OCAW	882	X	
Dan Edwards	OCAW	846, 857, 643	X	
Gary Feland	Mt St Bldg Trades	643 846 857	X	
Gary Feland	Laborers Union	882	X	
Terry Minow	MFT/MFSE	846, 857, 643	X	

(Please leave prepared statement with Secretary)

Nays: Aklestad, Beck, Bengtson, Doherty, Eck, Franklin, Harding, Koehnke, Towe, Tveit, Waterman, Weeding, Mr. President.
Total 13

Absent or not voting: Blaylock, Bruski, Hockett, Nathe, Noble, Pinsoneault, Rea, Stimatz.
Total 8

Excused: Manning.
Total 1

HB 739 - Senator Thayer moved that HB 739 be concurred in. Motion carried unanimously.

HB 882 - Senator Towe moved that HB 882 be concurred in. Motion carried as follows:

Yeas: Blaylock, Brown, Crippen, Doherty, Eck, Franklin, Fritz, Gage, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Lynch, Nathe, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Van Valkenburg, Vaughn, Waterman, Yellowtail, Mr. President.
Total 27

Nays: Aklestad, Anderson, Bengtson, Bianchi, Bruski, Burnett, Devlin, Farrell, Grosfield, Harding, Harp, Keating, Koehnke, Noble, Pinsoneault, Swift, Tveit, Weeding, Williams.
Total 19

Absent or not voting: Beck, Hager, Hammond.
Total 3

Excused: Manning.
Total 1

HJR 13 - Senator Doherty moved that HJR 13 be concurred in. Motion carried as follows:

Yeas: Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Pipinich, Rea, Towe, Van Valkenburg, Vaughn, Williams, Yellowtail.
Total 23

Nays: Aklestad, Anderson, Burnett, Crippen, Devlin, Gage, Grosfield, Hager, Hammond, Harding, Keating, Nathe, Noble, Pinsoneault, Rye, Svrcek, Swift, Thayer, Tveit, Waterman, Mr. President.
Total 21

Absent or not voting: Farrell, Harp, Lynch, Stimatz, Weeding.
Total 5

Excused: Manning.
Total 1

HJR 32 - Senator Mazurek moved that HJR 32 be placed below the House amendments to SB 321 on the second reading board this legislative day and that the House amendments to SB 264 be placed below HJR 32 on the second reading board. Motion carried.

HJR 36 - Senator Doherty moved that HJR 36 be concurred in. Motion carried unanimously.

HB 116 - Senator Nathe moved that HB 116 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Beck, Brown, Burnett, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Jacobson, Keating, Koehnke, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Swift, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail.
Total 29

Nays: Bengtson, Bianchi, Blaylock, Bruski, Crippen, Eck, Franklin, Fritz, Hockett, Jergeson, Kennedy, Rea, Svrcek, Towe, Van Valkenburg, Waterman, Mr. President.
Total 17

Absent or not voting: Doherty, Halligan, Lynch.
Total 3

Excused: Manning.
Total 1

HB 485 - Senator Keating moved that HB 485 be concurred in. Motion carried unanimously.

HB 545 - Senator Hager moved that HB 545 be concurred in. Motion carried with Senator Gage voting nay.

HB 635 - Senator Towe moved that HB 635 be concurred in. Motion carried with Senators Devlin and Nathe voting nay.

HB 639 - Senator Hockett moved that HB 639 be concurred in. Motion carried with Senators Beck, Devlin, and Nathe voting nay.

HB 700 - Senator Hager moved that HB 700 be concurred in. Motion carried unanimously.

HB 858 - Senator Bianchi moved that HB 858 be concurred in. Motion carried as follows:

Yeas: Bianchi, Blaylock, Doherty, Farrell, Franklin, Fritz, Hockett, Jacobson, Jergeson, Kennedy, Lynch, Noble, Pinsoneault, Pipinich, Rea, Stimatz, Thayer, Towe, Vaughn, Waterman, Weeding, Yellowtail, Mr. President.
Total 23

March 29, 1991

The Honorable Joseph P. Mazurek
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Mazurek and Speaker Harper:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby make the attached amendatory veto to Senate Bill 310, "AN ACT ALLOWING CONTRACT PHYSICIANS AT URBAN INDIAN CLINICS TO DISPENSE DRUGS; AND AMENDING SECTION 37-2-104, MCA."

Concern has been expressed that Senate Bill 310 needs two safeguards: that contract physicians at urban Indian clinics not be allowed to dispense dangerous drugs or controlled substances and that these contract physicians not be allowed to delegate the authority provided in this bill.

These two protections for the patrons of these clinics are well-advised and non-threatening to the purpose of the bill. There already are intensive requirements for the dispensing of dangerous drugs, and this amendment will recommit to those safeguards. While it is assumed that the law does not give the contract physician the ability to delegate his or her authority to dispense drugs, this amendment will clarify that intent.

I urge your concurrence in this amendment.

Sincerely,

STAN STEPHENS
Governor

GOVERNOR'S AMENDMENTS TO
SENATE BILL 310
(REFERENCE COPY, AS AMENDED)
MARCH 29, 1991

1. Page 2, line 13.
Following: clinic."
Insert: "The clinic may not stock or dispense any dangerous drug, as defined in 50-32-101, or controlled substance. The contract physician may not delegate the authority to dispense any drug for which a prescription is required under 21 U.S.C. 353b."

MOTIONS

HB 882 - Senator Pinsoneault moved that HB 882 be taken from third reading this legislative day and placed on second reading the sixty-ninth legislative day for the purpose of an amendment. Motion carried as follows:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Brown, Bruski, Burnett, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Keating, Kennedy, Koehnke, Nathe, Noble, Pinsoneault, Stimatz, Swift, Thayer, Tveit, Vaughn, Weeding, Williams.
Total 29

Nays: Blaylock, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Lynch, Manning, Pipinich, Rea, Svrcek, Towe, Van Valkenburg, Yellowtail, Mr. President.
Total 18

Absent or not voting: Grosfield, Waterman.
Total 2

Excused: Rye.
Total 1

HB 705 and HB 570 - Senator Van Valkenburg moved that HB 705 and HB 570 be placed at the bottom of the second reading board this legislative day. Motion carried.

HB 37 - Senator Koehnke moved that the Senate pass consideration of HB 37 this legislative day and place it on second reading the sixty-ninth legislative day. Motion carried.

Senator Van Valkenburg moved that the Senate stand in recess subject to a call of the Chair. Motion carried.

Senate recessed at 12:51 p.m.

Senate reconvened at 1:16 p.m.

REPORTS OF STANDING COMMITTEES

TAXATION (Halligan, Chairman): 4/1/91

SB 353, introduced bill, be amended as follows:

1. Title, lines 6 through 11.
Strike: "GUARANTEEING" on line 6 through "MONTANA;" on line 11

2. Title, line 11.
Strike: ","
Insert: "AND"

3. Title, line 12.
Strike: "16-11-119,"

Yeas: Bengtson, Blaylock, Bruski, Franklin, Grosfield, Hockett, Jergeson, Koehnke, Lynch, Manning, Pipinich, Rea, Rye, Stimatz, Svrcek, Towe, Williams.
Total 17

Nays: Aklestad, Anderson, Beck, Bianchi, Brown, Burnett, Crippen, Devlin, Doherty, Farrell, Fritz, Gage, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Kennedy, Nathe, Noble, Pinsoneault, Swift, Thayer, Tveit, Vaughn, Waterman, Weeding, Yellowtail, Mr. President.
Total 30

Absent or not voting: Eck, Keating, Van Valkenburg.
Total 3

Excused: None.
Total 0

Senator Harp moved that HB 192 be concurred in. Motion carried

Yeas: Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Crippen, Doherty, Farrell, Franklin, Fritz, Gage, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Kennedy, Noble, Stimatz, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Nays: Bruski, Burnett, Devlin, Grosfield, Koehnke, Manning, Nathe, Pinsoneault, Pipinich, Rea, Rye, Svrcek, Swift.
Total 13

Absent or not voting: Aklestad, Eck, Keating, Lynch.
Total 4

Excused: None.
Total 0

HB 882 - Senator Pinsoneault moved that HB 882 be amended as follows:

1. Title, line 9.
Following: ";"
Insert: "TO PROVIDE AN EXCEPTION TO THE HIRING PREFERENCE;"

2. Page 3, line 25.
Following: line 24
Insert: "NEW SECTION. Section 3. Exceptions to hiring preference. [Sections 1 and 2] do not apply to members of the Salish and Kootenai tribes who are residents of the Flathead Indian reservation or to state construction projects within the Flathead Indian reservation. "
Renumber: subsequent sections

3. Page 8, line 10.
Following: "Applicability."

Strike: "[This act]"
Insert: "Except as provided in [section 3], [this act]"

Amendment failed as follows:

Yeas: Anderson, Beck, Bengtson, Brown, Bruski, Burnett, Crippen, Devlin, Farrell, Hager, Hammond, Harding, Noble, Pinsoneault, Rea, Swift, Thayer, Tveit, Williams.
Total 19

Nays: Bianchi, Blaylock, Doherty, Franklin, Fritz, Grosfield, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Manning, Nathe, Pipinich, Rye, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Yellowtail, Mr. President.
Total 26

Absent or not voting: Aklestad, Eck, Gage, Harp, Keating.
Total 5

Excused: None.
Total 0

Senator Towe moved that HB 882 be concurred in. Motion carried as follows:

Yeas: Bengtson, Bianchi, Blaylock, Brown, Bruski, Doherty, Farrell, Franklin, Fritz, Gage, Halligan, Hammond, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Manning, Nathe, Pipinich, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Nays: Anderson, Beck, Burnett, Crippen, Devlin, Grosfield, Hager, Harding, Noble, Pinsoneault, Rea, Swift.
Total 12

Absent or not voting: Aklestad, Eck, Harp, Keating.
Total 4

Excused: None.
Total 0

HB 763 - Senator Weeding moved that HB 763 be concurred in. Motion carried with Senator Nathe voting nay.

HB 68 - Senator Blaylock moved that HB 68 be placed below HB 814 on the second reading board this legislative day. Motion carried.

HB 133 - Senator Noble moved that HB 133 be concurred in. Motion carried unanimously.

HB 301 - Senator Stimatz moved that HB 301 be concurred in. Motion carried unanimously.

HB 837 concurred in by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Manning, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: Burnett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 847 concurred in by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Manning, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 875 concurred in by the following vote:

Yeas: Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harp, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Manning, Nathe, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Nays: Aklestad, Devlin, Harding, Keating, Noble, Thayer, Tveit.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 877 concurred in by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Manning, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 882 concurred in by the following vote:

Yeas: Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Halligan, Harp, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Manning, Nathe, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Nays: Aklestad, Burnett, Crippen, Devlin, Grosfield, Hager, Hammond, Harding, Keating, Noble, Rea, Swift.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 891 concurred in by the following vote:

Yeas: Aklestad, Beck, Bianchi, Blaylock, Brown, Bruski, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Manning, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg,

Noes: Boharski, Clark.
Total 2

Excused: Gervais, Kadas.
Total 2

Absent or not voting: Cobb, Fagg, McCulloch, Thomas.
Total 4

HB 882 - Representative Russell moved Senate amendments to HB 882 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Forrester, Foster, Galvin, Gervais, Gould, Grady, S. J. Hansen, H. S. Hanson, Harrington, Hoffman, J. Johnson, Kasten, Kilpatrick, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Spring, Squires, Stang, Steppler, Stickney, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 77

Noes: Barnett, Barnhart, Clark, Connelly, R. DeBruycker, Feland, Gilbert, Grinde, M. Hanson, R. Johnson, Keller, Peck, Peterson, Phillips, Swysgood, Thoft.
Total 16

Voted Absentee: Gervais, Aye.

Excused: Kadas.
Total 1

Absent or not voting: Boharski, Hayne, Lee, Mercer, Southworth, Strizich.
Total 6

HB 888 - Representative L. Nelson moved Senate amendments to HB 888 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, J. Johnson, R. Johnson, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Madison, McCaffree, McCulloch, Measure, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 90

Noes: R. DeBruycker, Zook.
Total 2

Excused: Gervais, Kadas.
Total 2

Absent or not voting: Boharski, Gould, Hoffman, Lee, McCarthy, Menahan.
Total 6

HB 891 - Representative Stickney moved Senate amendments to HB 891 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCulloch, Measure, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: None.
Total 0

Excused: Gervais, Kadas.
Total 2

Absent or not voting: Elliott, McCarthy, Menahan.
Total 3

HB 908 - Representative Harper moved Senate amendments to HB 908 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 97

HB 857, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, Gould, S. J. Hansen, M. Hanson, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 65

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, R. DeBruycker, Ellison, Fagg, Feland, Foster, Gilbert, Grady, Grinde, H. S. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, T. Nelson, Peterson, Phillips, Spring, Swysgood, Thoft, Thomas, Zook.
Total 31

Excused: Cobb.
Total 1

Absent or not voting: Brooke, Ellis, Larson.
Total 3

HB 860, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Bergsagel, Boharski, Bradley, Brooke, J. Brown, Cocchiarella, Cohen, Connelly, Cromley, Darko, Davis, Dolezal, Dowell, Elliott, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, S. J. Hansen, Harrington, J. Johnson, R. Johnson, Kadas, Keller, Kilpatrick, Kimberley, Larson, Lee, McCarthy, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, O'Keefe, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Spring, Squires, Steppler, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Mr. Speaker.
Total 65

Noes: Becker, Benedict, D. Brown, Clark, Cody, Daily, J. DeBruycker, R. DeBruycker, Driscoll, Ellis, Ellison, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, Kasten, Knox, McCaffree, McCulloch, Nisbet, Pavlovich, Peterson, Phillips, Stang, Stickney, Strizich, Swysgood, Thoft, Wyatt, Zook.
Total 32

Excused: Cobb.
Total 1

Absent or not voting: Madison, Southworth.
Total 2

HB 870, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: Cobb.
Total 1

Absent or not voting: None.
Total 0

HB 882, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Forrester, Galvin, Gervais, Gould, Grady, Harrington, J. Johnson, Kadas, Kasten, Kilpatrick, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Barnett, Benedict, Boharski, Clark, R. DeBruycker, Ellison, Fagg, Feland, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Keller, Mercer, T. Nelson, Peck, Peterson, Phillips, Simpkins, Spring, Swysgood, Thoft, Thomas.
Total 27

Excused: Cobb.
Total 1

Absent or not voting: Elliott, S. J. Hansen.
Total 2